

Senate File 2215 - Introduced

SENATE FILE 2215

BY BOLKCOM, McCOY, and
COURTNEY

A BILL FOR

1 An Act relating to the creation of the medical cannabis Act
2 and providing for civil and criminal penalties and fees and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.401, subsection 5, Code 2014, is
2 amended by adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A person may knowingly or
4 intentionally process, produce, possess, manufacture,
5 distribute, dispense, deliver, or transport marijuana if the
6 processing, production, possession, manufacture, distribution,
7 dispensing, delivery, or transporting is in accordance with the
8 provisions of chapter 124D.

9 Sec. 2. NEW SECTION. 124D.1 Short title.

10 This chapter shall be known and may be cited as the "*Medical*
11 *Cannabis Act*".

12 Sec. 3. NEW SECTION. 124D.2 Purpose.

13 The purpose of this chapter is to allow for the medical use
14 of cannabis in a regulated program for alleviating symptoms
15 caused by debilitating medical conditions and the medical
16 treatments for such conditions.

17 Sec. 4. NEW SECTION. 124D.3 Definitions.

18 As used in this chapter, the following definitions shall
19 apply:

20 1. "*Adequate supply*" means an amount of cannabis, in any
21 form approved by the department, possessed by a qualified
22 patient or collectively possessed by a qualified patient and
23 the qualified patient's primary caregiver that is determined
24 by department rule to be no more than reasonably necessary to
25 ensure the uninterrupted availability of cannabis for a period
26 of three months and that is derived solely from an intrastate
27 source.

28 2. "*Cannabis*" means all parts of the plants of the genus
29 cannabis, whether growing or not; the seeds thereof; the resin
30 extracted from any part of the plant; and every compound,
31 manufacture, salt, derivative, mixture, or preparation of the
32 plant, its seeds, or resin, including tetrahydrocannabinols.
33 "*Cannabis*" does not include the mature stalks of the plant;
34 fiber produced from the stalks; oil or cake made from the
35 seeds of the plant; any other compound, manufacture, salt,

1 derivative, mixture, or preparation of the mature stalks,
2 except the resin extracted therefrom; fiber; or oil or cake
3 or the sterilized seed of the plant which is incapable of
4 germination.

5 3. "*Debilitating medical condition*" means any of the
6 following:

- 7 a. Cancer.
- 8 b. Multiple sclerosis.
- 9 c. Epilepsy.
- 10 d. AIDS or HIV as defined in section 141A.1.
- 11 e. Spinal cord damage with intractable spasticity.
- 12 f. Any other medical condition, medical treatment, or
13 disease approved by the department.

14 4. "*Department*" means the department of public health.

15 5. "*Licensed producer*" means any qualified patient, primary
16 caregiver, or nonprofit private entity within this state that
17 the department determines to be qualified to process, produce,
18 possess, manufacture, distribute, dispense, deliver, and
19 transport cannabis in this state pursuant to this chapter and
20 that is licensed by the department. A qualified patient or
21 primary caregiver licensed as a producer shall produce no more
22 than an adequate supply of cannabis for the qualified patient's
23 personal use only.

24 6. "*Medical use of cannabis*" means the acquisition,
25 possession, cultivation, manufacture, use, delivery, transfer,
26 or transportation of cannabis or paraphernalia related to the
27 administration of cannabis to treat or alleviate a registered
28 qualifying patient's debilitating medical condition or symptoms
29 associated with the patient's debilitating medical condition.

30 7. "*Practitioner*" means a person licensed in this state to
31 prescribe and administer a controlled substance regulated under
32 chapter 124.

33 8. a. "*Primary caregiver*" means a resident of this state,
34 at least eighteen years of age, who has been designated by
35 the qualified patient's practitioner or a person having legal

1 custody of the qualified patient, as being necessary to take
2 responsibility for managing the well-being of a qualified
3 patient with respect to the medical use of cannabis pursuant
4 to the provisions of this chapter. A qualified patient may
5 designate one or more primary caregivers.

6 *b. "Primary caregiver"* includes an employee of a hospice
7 program, if the employee meets the definition of a primary
8 caregiver under paragraph "a".

9 9. "*Program*" means the medical use of cannabis program
10 established and administered by the department pursuant to
11 rule.

12 10. "*Qualified patient*" means a resident of this state who
13 has been diagnosed by a practitioner as having a debilitating
14 medical condition and who has received written certification
15 and been issued a registry identification card pursuant to this
16 chapter.

17 11. "*Registry identification card*" means a document issued
18 by the department that identifies a person as a registered
19 qualified patient or registered primary caregiver.

20 12. "*Written certification*" means a statement signed by a
21 qualified patient's practitioner that, in the practitioner's
22 professional opinion, the patient has a debilitating medical
23 condition and the practitioner believes that the potential
24 health benefits of the medical use of cannabis would likely
25 outweigh the health risks for the qualified patient. A written
26 certification shall expire at the end of one year from the date
27 of issuance.

28 Sec. 5. NEW SECTION. 124D.4 Medical use of cannabis —
29 exemption from criminal and civil penalties.

30 1. A qualified patient who has been issued and who possesses
31 a registry identification card shall not be subject to arrest
32 or prosecution, civil or criminal penalty, or the denial of
33 any right or privilege for the medical use of cannabis if the
34 quantity of cannabis does not exceed an adequate supply.

35 2. A qualified patient's primary caregiver shall not be

1 subject to arrest or prosecution, civil or criminal penalty,
2 or the denial of any right or privilege for the medical use of
3 cannabis on behalf of the qualified patient, if the quantity of
4 cannabis does not exceed an adequate supply.

5 3. Subsection 1 does not apply to a qualified patient under
6 the age of eighteen years unless all of the following apply:

7 a. The qualified patient's practitioner has explained the
8 potential risks and benefits of the medical use of cannabis
9 to the qualified patient and to a parent, guardian, or person
10 having legal custody of the qualified patient.

11 b. A parent, guardian, or person having legal custody
12 consents in writing to do all of the following:

13 (1) Allow the qualified patient's medical use of cannabis.

14 (2) Serve as the qualified patient's primary caregiver.

15 (3) Control the dosage and the frequency of the medical use
16 of cannabis by the qualified patient.

17 (4) Designate one or more primary caregivers for the
18 qualified patient.

19 4. A qualified patient or a primary caregiver shall be
20 granted the full legal protections provided in this section if
21 the qualified patient or primary caregiver is in possession
22 of a registry identification card. If a qualified patient or
23 primary caregiver is arrested and is not in possession of the
24 person's registry identification card, any charge or charges
25 filed against the person shall be dismissed by the court if the
26 person produces to the clerk of the district court, prior to
27 the initial court date, a registry identification card issued
28 to that person and valid at the time of the person's arrest.

29 5. A practitioner shall not be subject to arrest or
30 prosecution, civil or criminal penalty, or the denial of any
31 right or privilege for recommending the medical use of cannabis
32 or for providing a written certification for the medical use of
33 cannabis pursuant to this chapter.

34 6. A licensed producer shall not be subject to arrest
35 or prosecution, civil or criminal penalty, or the denial

1 of any right or privilege, for the processing, production,
2 possession, manufacture, distribution, dispensing, delivery, or
3 transporting of cannabis pursuant to this chapter.

4 7. Any property interest that is possessed, owned, or
5 used in connection with the medical use of cannabis, or acts
6 incidental to such use, and any property seized shall be
7 treated in accordance with the provisions of chapters 808, 809,
8 and 809A. Any such property seized is subject to forfeiture
9 as provided by chapter 809 or 809A. Cannabis, paraphernalia,
10 or other property seized from a qualified patient or primary
11 caregiver in connection with the claimed medical use of
12 cannabis shall be returned immediately upon the determination
13 by a court that the qualified patient or primary caregiver is
14 entitled to the protections of the provisions of this chapter,
15 as may be evidenced by a failure to actively investigate the
16 case, a decision not to prosecute, the dismissal of charges,
17 or acquittal.

18 8. A person shall not be subject to arrest or prosecution,
19 civil or criminal penalty, or the denial of any right or
20 privilege for a cannabis-related offense simply for being in
21 the presence of the medical use of cannabis as permitted under
22 the provisions of this chapter.

23 Sec. 6. NEW SECTION. 124D.5 Prohibitions, restrictions, and
24 limitations on the medical use of cannabis — criminal penalties.

25 1. Participation in a medical use of cannabis program
26 by a qualified patient or primary caregiver does not relieve
27 the qualified patient or primary caregiver from any of the
28 following:

29 a. Criminal prosecution or civil penalties for activities
30 not authorized under this chapter.

31 b. Liability for damages or criminal prosecution arising
32 out of the operation of a vehicle while under the influence of
33 cannabis.

34 c. Criminal prosecution or civil penalty for possession or
35 use of cannabis in any of the following places:

1 (1) In a school bus or public vehicle.

2 (2) On the grounds of any public or private preschool or
3 elementary or secondary school.

4 (3) In the workplace of the qualified patient's or primary
5 caregiver's employment.

6 (4) At a public park, recreation center, youth center, or
7 other public place.

8 2. A qualified patient or primary caregiver who makes
9 a fraudulent representation to a law enforcement officer
10 about the person's medical use of cannabis to avoid arrest
11 or prosecution for a cannabis-related offense is guilty of a
12 simple misdemeanor.

13 3. A licensed producer who does any of the following shall
14 be subject to arrest, prosecution, and civil or criminal
15 penalties under state or federal law:

16 a. Sells, distributes, dispenses, delivers, or transfers
17 cannabis to a person not approved by the department pursuant to
18 this chapter.

19 b. Obtains, transports, or delivers cannabis outside this
20 state in violation of federal law.

21 Sec. 7. NEW SECTION. 124D.6 Medical advisory board —
22 duties.

23 1. No later than August 15, 2014, the director of the
24 department shall establish a medical advisory board consisting
25 of eight practitioners representing the fields of neurology,
26 pain management, medical oncology, psychiatry, infectious
27 disease, family medicine, and gynecology. The practitioners
28 shall be nationally board-certified in their area of specialty
29 and knowledgeable about the medical use of cannabis.

30 2. Advisory board members shall be chosen for appointment by
31 the director from a list proposed by the Iowa medical society.

32 3. A quorum of the advisory board shall consist of five
33 members.

34 4. The advisory board shall have the following duties:

35 a. Review and recommend to the department for approval

1 additional debilitating medical conditions for persons who
2 would benefit from the medical use of cannabis.

3 *b.* Accept and review petitions to add medical conditions,
4 medical treatments, or diseases to the list of debilitating
5 medical conditions that qualify for the medical use of
6 cannabis.

7 *c.* Convene at least twice per year to conduct public
8 hearings and to evaluate petitions, which shall be maintained
9 as confidential personal health information, to add medical
10 conditions, medical treatments, or diseases to the list of
11 debilitating medical conditions that qualify for the medical
12 use of cannabis.

13 *d.* Issue recommendations concerning rules to be adopted for
14 the issuance of registry identification cards.

15 *e.* Recommend quantities of cannabis that are necessary
16 to constitute an adequate supply for qualified patients and
17 primary caregivers.

18 *f.* Review actions of the department in approving or denying
19 registry identification card applications to ensure such
20 approvals and denials are issued pursuant to the requirements
21 of section 124D.8. In reviewing such actions, the advisory
22 board shall be subject to the same confidentiality restrictions
23 imposed on the department pursuant to section 124D.7,
24 subsection 2, paragraph "a".

25 **Sec. 8. NEW SECTION. 124D.7 Department rules and duties.**

26 1. No later than October 1, 2014, and after consultation
27 with the medical advisory board, the department shall adopt
28 rules pursuant to chapter 17A to establish and implement a
29 medical use of cannabis program consistent with the purposes
30 of this chapter. The authority may adopt emergency rules
31 pursuant to chapter 17A to implement this section and the rules
32 shall be effective immediately upon filing unless a later date
33 is specified in the rules. The rules shall do all of the
34 following:

35 *a.* Govern the manner in which the department shall consider

1 applications for new and renewal registry identification cards
2 and for qualified patients and primary caregivers.

3 *b.* Define the amount of cannabis that constitutes an
4 adequate supply, including amounts for topical treatments.

5 *c.* Identify criteria and set forth procedures for including
6 additional medical conditions, medical treatments, or diseases
7 on the list of debilitating medical conditions that qualify
8 for the medical use of cannabis. Procedures shall include a
9 petition process and shall allow for public comment and public
10 hearings before the medical advisory board.

11 *d.* Set forth additional medical conditions, medical
12 treatments, or diseases for inclusion on the list of
13 debilitating medical conditions that qualify for the medical
14 use of cannabis as recommended by the medical advisory board.

15 *e.* Establish requirements for the licensure of producers and
16 set forth procedures to obtain licenses.

17 *f.* Develop a distribution system for medical cannabis within
18 this state that provides for all of the following:

19 (1) Cannabis production facilities within this state housed
20 on secured grounds and operated by licensed producers.

21 (2) The distribution of medical cannabis to qualified
22 patients and their primary caregivers to occur at locations
23 designated by the department.

24 *g.* Establish application and renewal fees that generate
25 revenues sufficient to offset all expenses of implementing and
26 administering this chapter.

27 *h.* Specify and implement procedures that address public
28 safety including security procedures and product quality,
29 safety, and labeling.

30 2. The department shall do all of the following:

31 *a.* Maintain a confidential file containing the names
32 and addresses of the persons who have either applied for or
33 received a registry identification card. Individual names
34 contained in the file shall be confidential and shall not be
35 subject to disclosure, except as provided in subparagraph (1).

1 (1) Information in the confidential file maintained
2 pursuant to this paragraph "a" may be released to the following
3 persons under the following circumstances:

4 (a) To authorized employees or agents of the department as
5 necessary to perform the duties of the department pursuant to
6 this chapter.

7 (b) To authorized employees of state or local law
8 enforcement agencies, but only for the purpose of verifying
9 that a person is lawfully in possession of a registry
10 identification card issued pursuant to this chapter.

11 (2) Release of information pursuant to subparagraph
12 (1) shall be consistent with the federal Health Insurance
13 Portability and Accountability Act of 1996, Pub. L. No.
14 104-191.

15 b. Submit an annual report to the general assembly by
16 January 15 of each year that does not disclose any identifying
17 information about registry identification cardholders or
18 practitioners, but does contain, at a minimum, all of the
19 following information:

20 (1) The number of applications and renewal applications
21 submitted for registry identification cards.

22 (2) The number of registered qualifying patients and
23 registered primary caregivers in each county.

24 (3) The nature of the debilitating medical conditions of the
25 qualifying patients.

26 (4) The number of registry identification cards revoked.

27 (5) The number of practitioners providing written
28 certifications for qualifying patients.

29 (6) The sufficiency of the overall supply available to
30 qualified patients statewide.

31 Sec. 9. NEW SECTION. 124D.8 Registry identification cards.

32 1. The department shall issue a registry identification
33 card to a qualified patient and to any primary caregiver for
34 the qualified patient, if the qualified patient and primary
35 caregiver submit all of the following in an application to the

1 department, in accordance with the department's rules:

2 *a.* A written certification.

3 *b.* The name, address, and date of birth of the qualified
4 patient.

5 *c.* The name, address, and telephone number of the qualified
6 patient's practitioner.

7 *d.* The name, address, and date of birth of any primary
8 caregiver for the qualified patient.

9 2. *a.* The department shall verify the information contained
10 in an application submitted pursuant to subsection 1 and
11 shall approve or deny an application within thirty days of
12 receipt. The department may deny an application only if the
13 applicant did not provide the information required pursuant
14 to subsection 1 or if the department determines that the
15 information provided was falsified. A person whose application
16 has been denied shall not be allowed to reapply for a registry
17 identification card for six months from the date of the denial
18 unless otherwise authorized by the department.

19 *b.* The department's approval or denial of an application
20 under this section shall be subject to review by the medical
21 advisory board.

22 3. The department shall issue a registry identification
23 card within thirty days of receiving an application or a
24 renewal application. The card shall expire one year after the
25 date of issuance.

26 4. A registry identification card shall contain all of the
27 following:

28 *a.* The name, address, and date of birth of the qualified
29 patient and any primary caregiver.

30 *b.* The date of issuance and expiration date of the registry
31 identification card.

32 *c.* Any other information that the department may require by
33 rule.

34 5. The department shall issue a registry identification
35 card to any primary caregiver named in the qualified patient's

1 approved application or renewal application provided the
2 primary caregiver meets the requirements of section 124D.3,
3 subsection 8.

4 6. A qualified patient or primary caregiver who possesses
5 a registry identification card shall notify the department of
6 any change in the person's name or address, qualified patient's
7 practitioner, or qualified patient's primary caregiver, or
8 any change in status of the qualified patient's debilitating
9 medical condition within ten days of the change.

10 7. Possession of or application for a registry
11 identification card shall not constitute probable cause or
12 give rise to reasonable suspicion for a governmental agency
13 to search the person or property of the person possessing or
14 applying for the card.

15 Sec. 10. NEW SECTION. 124D.9 Medical cannabis dispensaries
16 prohibited.

17 1. The establishment and operation of any medical cannabis
18 dispensary in this state is prohibited. For purposes of this
19 section, "*medical cannabis dispensary*" means any facility,
20 establishment, or location, whether fixed or mobile, where
21 medical cannabis is made available to, distributed by, or
22 distributed to any person and that is not licensed pursuant to
23 this chapter.

24 2. A violation of subsection 1 shall be enforced by means of
25 civil enforcement through a restraining order, a preliminary or
26 permanent injunction, or by any other means authorized under
27 law.

28 Sec. 11. Section 453B.6, Code 2014, is amended to read as
29 follows:

30 **453B.6 Pharmaceuticals.**

31 1. This chapter does not require persons lawfully in
32 possession of a taxable substance to pay the tax required under
33 this chapter or to purchase, acquire, or affix the stamps,
34 labels, or other official indicia otherwise required by this
35 chapter.

1 2. A person who is in possession of cannabis for medical
2 use in accordance with chapter 124D is in lawful possession of
3 a taxable substance and is not subject to the requirements of
4 this chapter.

5 Sec. 12. TRANSITION PROVISIONS.

6 1. During the period between July 1, 2014, and thirty days
7 after the effective date of rules adopted by the department
8 of public health for the establishment and implementation of
9 a medical use of cannabis program pursuant to section 124D.7,
10 as enacted in this Act, a person who would be eligible for
11 treatment for a debilitating medical condition through the
12 medical use of cannabis as a qualified patient may obtain a
13 written certification from a practitioner and upon presentation
14 of that certification to the department, the department
15 shall issue a temporary certificate for participation in
16 the program. The department shall maintain a list of all
17 temporary certificates issued pursuant to this section and the
18 confidentiality provisions of section 124D.7, subsection 2, as
19 enacted in this Act, shall apply to such list.

20 2. A person possessing a temporary certificate pursuant to
21 subsection 1 shall not be subject to arrest or prosecution,
22 civil or criminal penalty, or the denial of any right or
23 privilege for the medical use of cannabis if the amount of
24 cannabis is not more than the amount that is specified on the
25 temporary certificate issued by the department.

26 3. For purposes of this section, "cannabis", "debilitating
27 medication condition", "medical use of cannabis",
28 "practitioner", "program", "qualified patient", and "written
29 certification" mean the same as defined in section 124D.3, as
30 enacted in this Act.

31	EXPLANATION
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32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to the creation of the medical cannabis
35 Act and provides for civil and criminal penalties and fees and

1 includes effective date provisions.

2 The bill establishes new Code chapter 124D, the medical
3 cannabis Act, to allow for the medical use of cannabis for
4 alleviating symptoms caused by debilitating medical conditions
5 and their medical treatments. The bill defines "medical use
6 of cannabis" to mean the acquisition, possession, cultivation,
7 manufacture, use, delivery, transfer, or transportation of
8 cannabis or related paraphernalia to treat or alleviate a
9 registered qualifying patient's debilitating medical condition
10 as defined in the bill. The bill defines "cannabis" to mean
11 all parts of the plants of the genus cannabis, whether growing
12 or not; the seeds thereof; the resin extracted from any part of
13 the plant; and every compound, manufacture, salt, derivative,
14 mixture, or preparation of the plant, its seeds, or resin,
15 including tetrahydrocannabinols. It does not include the
16 mature stalks of the plant; fiber produced from the stalks; oil
17 or cake made from the seeds of the plant; any other compound,
18 manufacture, salt, derivative, mixture, or preparation of the
19 mature stalks, except the resin extracted therefrom; fiber;
20 or oil or cake or the sterilized seed of the plant which is
21 incapable of germination (see also Code section 124.101(19)).

22 The bill provides that a qualified patient who has been
23 issued and who possesses a registry identification card issued
24 by the Iowa department of public health shall not be subject to
25 arrest or prosecution, civil or criminal penalty, or the denial
26 of any right or privilege for the medical use of cannabis if
27 the quantity of cannabis does not exceed an adequate supply.
28 The bill also provides the same immunity for a qualified
29 patient's primary caregiver and for a licensed producer.

30 The bill defines a qualified patient as a resident of this
31 state who has been diagnosed by a practitioner as having a
32 debilitating medical condition as specified in the bill and
33 who has received written certification and has been issued
34 a registry identification card pursuant to the new Code
35 chapter. A qualified patient may designate one or more primary

1 caregivers. A primary caregiver is defined as a resident of
2 this state, at least 18 years old, who has been designated by
3 the patient's practitioner or a person having legal custody of
4 the qualified patient as being necessary to take responsibility
5 for managing the well-being of a qualified patient with respect
6 to the medical use of cannabis pursuant to the provisions of
7 the bill. "Licensed producer" is defined as any qualified
8 patient, primary caregiver, or nonprofit private entity within
9 this state that the department of public health determines
10 to be qualified to process, produce, possess, manufacture,
11 distribute, dispense, deliver, and transport cannabis in this
12 state under the bill. A qualified patient or primary caregiver
13 licensed as a producer shall produce no more than an adequate
14 supply of cannabis for the patient's personal use only.
15 "Practitioner" is defined as a person licensed in this state to
16 prescribe and administer a controlled substance regulated under
17 Code chapter 124.

18 The bill provides that participation in the medical use of
19 cannabis program by a qualified patient or primary caregiver
20 does not relieve the qualified patient or primary caregiver
21 from prosecution or civil penalties for activities not
22 authorized under the bill, liability for damages or criminal
23 prosecution arising out of the operation of a vehicle while
24 under the influence of cannabis or other criminal prosecution
25 or civil penalties for possession or use of cannabis in certain
26 situations. A qualified patient or primary caregiver who
27 makes a fraudulent representation to a law enforcement officer
28 about the person's medical use of cannabis to avoid arrest
29 or prosecution for a cannabis-related offense is guilty of a
30 simple misdemeanor.

31 The bill directs the department of public health to
32 establish a medical advisory board no later than August 15,
33 2014, consisting of eight practitioners representing the fields
34 of neurology, pain management, medical oncology, psychiatry,
35 infectious disease, family medicine, and gynecology. The

1 practitioners shall be nationally board-certified in their
2 area of specialty and knowledgeable about the medical use of
3 cannabis and appointed by the director from a list proposed by
4 the Iowa medical society. The advisory board is required to
5 review and recommend to the department for approval additional
6 debilitating medical conditions for persons who would benefit
7 from the medical use of cannabis, accept and review petitions
8 to add medical conditions, medical treatments, or diseases
9 to the list of debilitating medical conditions that qualify
10 for the medical use of cannabis, meet at least twice per year
11 to conduct public hearings and to evaluate petitions to add
12 medical conditions, medical treatments, or diseases to the
13 list of debilitating medical conditions that qualify for the
14 medical use of cannabis, issue recommendations concerning rules
15 to be adopted for the issuance of registry identification
16 cards, recommend quantities of cannabis that are necessary
17 to constitute an adequate supply for qualified patients and
18 primary caregivers, and review actions of the department in
19 approving or denying registry identification card applications.

20 The department is required to adopt rules pursuant to
21 Code chapter 17A to establish and implement a medical use of
22 cannabis program consistent with the purpose of the bill no
23 later than October 1, 2014. The department is authorized to
24 adopt emergency rules pursuant to Code chapter 17A. The rules
25 shall relate to applications for new and renewal registry
26 identification cards and for qualified patients and primary
27 caregivers, the amount of cannabis that constitutes an adequate
28 supply for purposes of the bill, including amounts for topical
29 treatments, criteria and procedures for including additional
30 medical conditions, medical treatments, or diseases as
31 debilitating medical conditions that qualify for the medical
32 use of cannabis, requirements for the licensure of producers,
33 the development of a distribution system for medical cannabis
34 within this state, the establishment of application and
35 renewal fees that generate revenues sufficient to offset all

1 expenses of implementing and administering the Code chapter,
2 and specify and implement procedures that address public safety
3 including security procedures and product quality, safety,
4 and labeling. The department is to maintain confidential
5 information collected pursuant to the bill and provide for the
6 release of certain information to certain persons under certain
7 confidentiality guidelines and to submit an annual report to
8 the general assembly by January 15 of each year.

9 The department is also required to issue a registry
10 identification card to a qualified patient and any primary
11 caregiver named in the qualified patient's application, if the
12 qualified patient and each primary caregiver submit certain
13 information in an application to the department. The bill
14 provides that possession of or application for a registry
15 identification card shall not constitute probable cause or
16 give rise to reasonable suspicion for a governmental agency
17 to search the person or property of the person possessing or
18 applying for the card.

19 The bill prohibits the establishment and operation of any
20 unlicensed medical cannabis dispensary in this state. The bill
21 defines "medical cannabis dispensary" to mean any facility,
22 establishment, or location, whether fixed or mobile, where
23 medical cannabis is made available to, distributed by, or
24 distributed to any person and that is not licensed pursuant
25 to the bill. A violation of this provision shall be enforced
26 by means of civil enforcement through a restraining order, a
27 preliminary or permanent injunction, or by any other means
28 authorized under the law.

29 The bill provides a transition period to specify that
30 during the period between July 1, 2014, and 30 days after the
31 effective date of rules adopted by the department, a person
32 who would be eligible for treatment for a debilitating medical
33 condition under the bill through the medical use of cannabis
34 as a qualified patient may obtain a written certification from
35 a practitioner and upon presentation of that certification to

1 the department of public health, the department shall issue
2 a temporary certificate for the medical use of marijuana.
3 The department shall maintain a confidential list of all
4 temporary certificates issued pursuant to the bill. A person
5 possessing a temporary certificate shall not be subject to
6 arrest, prosecution, civil or criminal penalty, or the denial
7 of any right or privilege for the medical use of cannabis
8 if the amount of cannabis is not more than the amount that
9 is specified on the temporary certificate issued by the
10 department.

11 The bill amends Code section 124.401, relating to prohibited
12 acts involving controlled substances, to provide that it is
13 lawful for a person to knowingly or intentionally process,
14 produce, possess, manufacture, distribute, dispense, deliver,
15 or transport marijuana if such activities are in accordance
16 with the provisions of the bill. The bill also amends
17 Code section 453B.6, relating to tax stamps for controlled
18 substances, to specify that possession of cannabis in
19 accordance with the provisions of the bill is lawful possession
20 and a tax stamp is not required.